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EXAMINER	
FRANKLIN, JAMARA ALZAIDA	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/681,024	**Applicant(s)** BOEHM ET AL.
	Examiner Jamara A. Franklin	**Art Unit** 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment is made of the amendment filed on 8/10/05. Claims 1-57 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Wurz et al. (US 5,979,761) (hereinafter referred to as 'Wurz').

Wurz teaches an omnidirectional scanning system for reading at least one optical code within a field of view of the scanning system and a method for reading at least one optical code within a field of view of a scanning system and oriented in an orientation included in a set of multiple orientations, said system and method comprising the means for and steps of:

operating the scanning system (scanning system 1) in a mode selected from at least two modes, including a first mode (when adjustable mirrors 261-264 are oriented to create an X pattern for scanning bar codes of any orientation) that is a non-restricted omnidirectional scan mode for reading the at least one optical code oriented in any orientation of the set of multiple orientations, and a second mode (when adjustable mirrors 261-264 are oriented to create an X pattern for scanning bar code symbols in either a picket fence type orientation or a ladder orientation) that is a restricted omnidirectional scan mode for reading the at least one optical code in an orientation of a selectable reduced set of the set of multiple orientations, wherein the selectable reduced set of the set of multiple orientations includes less orientations than the set of multiple orientations (col. 5, lines 45-53 and col. 6, lines 4-17); and

the scanning system wherein the scanning system is selected from the group consisting of laser and imager scanning systems (col. 4, lines 3-10);

decoding the at least one read optical code (col. 4, lines 36-39);

the method wherein the decoding step comprises the step of decoding sensing signals generated by a sensor that correspond to sensing of the at least one optical code for generating a decoded digital code (col. 4, lines 33-36);

the system and method further comprising the steps of :

illuminating at least a portion of the at least one optical code with at least one light source (light source 20);

generating at least first and second scan line patterns using at least one light beam (light beam 40) generated by the at least one light source, wherein the first scan line pattern is generated when operating in a first mode, and the second line pattern is generated when operating in the second mode, wherein the first scan line pattern includes a plurality of scan lines and the second scan line pattern includes at least one selected scan line from the plurality of scan lines (see figure 12);

the method further comprising the step of controlling operation of the at least one light source for selectively enabling the at least one light source to generate a selected scan pattern of the first and second scan patterns;

the method further comprising the step of selectively operating the scanning system in a third mode for adjusting at least one adjustable parameter of the scanning system in response to a received user request;

the method wherein the at least one adjustable parameter includes at least one range of angles defining the reduced set of the set of multiple orientations (col. 4, lines 55-59); and

the method further comprising the step of selecting the mode of operation in accordance with a received user request (col. 5, lines 45-53)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-14, 21-24, and 48-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurz in view of Dvorkis (US 6,715,685).

The teachings of Wurz have been discussed above.

Wurz lacks the specific teaching of at least one processor comprising means for operating the scanning system.

Dvorkis teaches an omnidirectional scanning system including:

at least one processor comprising means for operating the scanning system (col. 4, lines 14-31 and col. 7, lines 27-37).

One of ordinary skill in the art would have readily recognized that having a processor for operating the scanning system would have been beneficial to the Wurz invention for controlling the performance of the whole unit. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Wurz with the aforementioned teaching of Dvorkis.

5. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurz/Dvorkis as applied to claim 1 above, and further in view of Cherry et al. (US 5,446,271) (hereinafter referred to as 'Cherry').

The teachings of Wurz/Dvorkis have been discussed above.

Wurz lacks the teaching of an optical array.

Cherry teaches a method for reading at least one optical code within a field of view including:

a sensor module including at least a two-dimensional optical detector array (CCD) for sensing light reflected from at least a portion of the at least one optical code and incident on the sensor module (col. 5, lines 34-62).

One of ordinary skill in the art would have readily recognized that an optical detector array would have been beneficial to the invention of Wurz/Dvorkis for imaging and reading a larger segment of the optical code being scanned. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Wurz/Dvorkis with the optical detector array as taught by Cherry to speed up the optical code scanning, reading, and decoding process.

Response to Arguments

6. Applicant's arguments filed 8/10/05 have been fully considered but they are not persuasive.

In response to the argument that Wurz lacks the teaching of a reduced set of orientations for omnidirectional scanning. The examiner submits that Wurz does indeed teach a reduced set of orientations for omnidirectional scanning since figure 12 discloses 3 scan lines whereas figure 5 discloses less scan lines (i.e. 2 scan lines) than figure 12. Inherently, 3 scan lines scan 3 orientations whereas 2 scan lines scan 2 orientations.

In response to the argument that Wurz lacks the teaching of operating the scanning system between two omnidirectional scanning modes, each scanning mode having a different amount of orientations than the other scanning mode, the examiner submits that every adjustment made to the mirrors of the scanner of the Wurz invention is a different mode of operation. Therefore, when the mirrors of the scanner are adjusted to create the 3 scan lines as disclosed in figure 12, the scanner is operating in a first mode. When the mirrors of the scanner are adjusted to create the 2 scan lines as discloses in figure 5, the scanner is operating in a second mode.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metlitsky et al. (US 4,871,904) teach a multidirectional optical scanner.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamara A. Franklin
Examiner
Art Unit 2876

JAF
September 21, 2005

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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